

PUBLIC PARTICIPATION IN DECISION-MAKING IN CZECH LAW, EC LAW AND INTERNATIONAL LAW

The purpose of my thesis is to provide an outline of the most important international, EC and Czech regulation of public participation in decision-making and to analyse its main requirements.

Public participation is an important principle that ensures the public to assert the right to live in an environment adequate to health and well-being and to fulfil its duty to protect the environment according to the shared responsibility principle. From another point of view, one of the characteristics of democracy is a functioning civil society where anyone can protect the environment as a public interest and public participation is an effective way to do that. Public participation in decision-making also enhances the quality and implementation of decisions that contributes to better public administration.

The thesis is composed of four chapters. The first chapter is introductory and it deals with the concept of public participation and its importance in modern democracies.

The second chapter concentrates on the international regulation of public participation. On the international level, the most important source of law is the Aarhus Convention. It regulates public participation in environmental decision-making together with access to environmental information and access to justice in environmental matters. The Convention sets out minimum standards of these rights to be ensured by the parties. Provisions concerning public participation in decision-making by public authorities on whether to permit specific activities are rather concrete, requirements for public participation concerning plans, programmes and policies and during preparation of normative instruments are defined less clearly in order to allow parties more flexibility in finding appropriate solution. With respect to the importance of the Aarhus Convention and its relation to other legal regulation, the provisions of the Convention form the basis for my thesis.

The third chapter focuses on the EC regulation of public participation and its relation to the Aarhus Convention. In 2005 the European Community became a party to the Aarhus Convention, thereby assuming responsibility to implement its provisions into EC law. Secondary legislation has been adopted for this purpose: it both lays down

requirements which should be implemented into the national legal systems of the member states and applies the provisions of the Convention to EC institutions.

The fourth chapter deals with public participation in Czech law. The Aarhus Convention and EC legislation impose requirements on public participation in the Czech national law. The level of their fulfilment in the Czech regulation is different according to the area of regulation and the type of decision-making. Generally the Czech legislation on public participation is deficient and the rights of public to participate in decision-making should be strengthened in many respects.